

ADVISORY OPINION 1999-009

Any advisory opinion rendered by the registry under subsection (1) or (2) of this section may be relied upon only by the person or committee involved in the specific transaction or activity with respect to which the advisory opinion is rendered. KRS 121.135(4).

September 17, 1999

Maggie Sparks M.D.
Chair
Natural Law Party of Kentucky
P.O. Box 99888
Louisville, KY 40269-0888

Dear Dr. Sparks:

This is in response to your August 18, 1999 request for an advisory opinion regarding the registration of an executive committee on behalf of the Natural Law Party of Kentucky. As stated in your letter, the Natural Law Party of Kentucky is not officially recognized as a “political party” under KRS 118.015(1). However, you indicate that the political organization known as the Natural Law Party of Kentucky has established a bank account and engaged in fundraising and spending activities to promote the organization. Therefore, you ask whether your organization may register as an executive committee with the Registry for the purpose of reporting its financial activity.

Generally, KRS Chapter 121 provides that candidates, committees and individuals, regardless of their status with the Secretary of State, report political fundraising and spending activity, which advocates the election or defeat of one or more candidates or ballot issues. See, e.g., KRS 121.015(8) (defining “candidate” for reporting purposes as “any person who has received contributions or made expenditures...”). Under KRS 121.015(3)(d), a “committee” includes “an executive committee of a political party.” However, this description does not specify that the underlying political organization must be a recognized political party under KRS Chapter 118.

An executive committee is clearly distinguishable from other committees under KRS 121.015(3)(a)-(c). An executive committee does not represent a special interest, a single candidate or slate of candidates, or a specific ballot issue. Rather, the main characteristic of an executive committee for campaign finance purposes is whether the political organization is organized to raise and spend money to promote the organization

as a whole and the candidates whom it nominates, whether by certificate or petition, for state, county or local public office. Therefore, any political organization that raises or spends money to promote its nominees on the ballot is functioning as an executive committee for purposes of campaign finance laws and must report any contributions or expenditures in accordance with KRS Chapter 121.

In sum, the political organization known as the Natural Law Party of Kentucky, which is organized to engage in fundraising and spending activity to promote the organization and its candidates for state public office, may register as an executive committee under KRS Chapter 121.

If you have any additional questions, please do not hesitate to contact the Registry staff.

Sincerely,

Rosemary F. Center
General Counsel

RFC/jh